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10/685,750	10/15/2003	Mark Budzik	TRI4546P0170US	6164

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER

SPAHN, GAY

ART UNIT

PAPER NUMBER

3635

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Please find below and/or attached an Office communication concerning this application or proceeding.


SUPPLEMENTAL EXAMINER'S ACTION

This communication is in response to the BPAI remand mailed August 8, 2006.

Upon reconsideration of the reply brief filed April 21, 2006, the reply brief should not have been acknowledged and considered by the examiner. The reply brief filed on April 21, 2006 is not in compliance with 37 CFC 41.41(a) because it includes new evidence in the form of a two pages from the Internet which discuss how to use a knurling tool. Appellant has specifically relied upon this evidence in arguments presented in the reply brief (page 1). 37 CFR 41.41(a)(2) states that "[a] reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence." Per 41.41(b), a reply brief that is not in compliance with paragraph (a) of this section will not be considered.

Appellant is hereby notified that the paper mailed May 24, 2006 has be vacated. The reply brief filed April 21, 2006 has not been considered by the examiner. Appellant may file another reply brief to this paper in compliance with 37 CFR 41.41 within two months from the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below.


Gay Ann Spahn, Patent Examiner
August 20, 2006


APPROVED BY
DONALD T. HAJEC
DIRECTOR, TECHNOLOGY CENTER 3600